

1 Angel Navarro (SBN) 155702
2 LAW OFFICE OF ANGEL NAVARRO
3 The Petroleum Building
4 714 W. Olympic Blvd., Suite 450
5 Los Angeles, CA 90015
6 Tel.: (626) 390-6621
7 Fax: (213) 746-4435
8 e-mail: angel_navarro@me.com
9 Attorney for Defendant
10 Jessica Lopez

11
12 IN THE UNITED STATES DISTRICT COURT
13
14 CENTRAL DISTRICT OF CALIFORNIA

15 United States of America,
16 Plaintiff,
17 vs.
18 Jessica Lopez,
19 Defendant.

20 Case No. CR 15-00707-R-2
21 DEFENDANT'S POSITION RE:
22 SENTENCING

23 Defendant, Jessica Lopez, by and through her counsel of record, Angel Navarro,
24 hereby submits her position paper with respect to the upcoming sentencing hearing.

25 Respectfully submitted,

26 June 9, 2016
27 DATE

28 /s/ Angel Navarro
ANGEL NAVARRO
Attorney for Defendant
Jessica Lopez

DEFENDANT'S POSITION RE: SENTENCING

I

INTRODUCTION

Jessica Lopez will be appearing before the Court following a guilty plea to distribution of methamphetamine. As referenced in the presentence report, Mrs. Lopez acted as a broker in a drug distribution investigation. Unbeknownst to Mrs. Lopez, one of her co-defendants was the subject of an on-going wire tap investigation. Mrs. Lopez was intercepted over a wire tap and she was subsequently arrested. Mrs. Lopez will be appearing before the Court for sentencing.

II

DEFENDANT'S POSITION

As this Court is aware, in light of the Supreme Court's decision in Booker, federal sentencing has once again been given back to federal judges. Federal judges once again have discretion when it comes to federal sentencing. In the case of Mrs. Lopez, this Court has wide discretion in determining the appropriate sentence. The offer that was extended to Mrs. Lopez carries no mandatory minimum.

The 3553 Factors:

The statutory factors set forth in 18 U.S.C. 3553(a)(2) provide a guide to the Court in fashioning a sentence in cases such as this one. The 3553 factors include: the nature and seriousness of the offense; the history and characteristics of the defendant; the need for the sentence imposed to reflect the seriousness of the offense; the need for the sentence imposed

1 to promote respect for the law; the need for the sentence imposed to provide just punishment;
2 the need for the sentence imposed to afford adequate deterrence to criminal conduct; the need
3 for the sentence imposed to protect the public from further crimes of the defendant; the need
4 for the sentence imposed to provide the defendant with educational, vocational, medical care
5 other corrective treatment; the types of sentences available; and the advisory sentencing
6 guideline range.
7
8

9 10 **The Nature And Circumstances Of The Offense.**

11 This investigation and subsequent prosecution stemmed from a wire tap investigation
12 into the activities of one of the co-defendants. Mrs. Lopez was intercepted over the wire tap
13 discussing the delivery of narcotics. As a result of her conduct, she was arrested on February
14 1, 2016, in the Southern District of California. Mrs. Lopez has been in custody since her
15 arrest date.
16
17
18

19 **The History And Characteristics Of Jessica Lopez.**

20 Jessica Lopez was born in this country. As an infant, she was taken by her family to
21 live in Mexico. As a teenager, Jessica Lopez came back to this country but she subsequently
22 returned back to Mexico. At the age of seventeen, she decided to return to this country in an
23 effort to make a living. From the age of seventeen until approximately 2015, she lived in
24 Southern California. Mrs. Lopez has raised six children. Five of her six children are
25 American citizens. As noted in the presentence report, Mrs. Lopez has raised her children as
26 a single mother.
27
28

1 As also noted in the presentence report, Mrs. Lopez is a first-time offender. She has
2 no history of other contacts with the criminal justice system. This Court can rest assured that
3 Mrs. Lopez will not re-offend.
4

5
6 **The Need For The Sentence Imposed To Reflect The Seriousness Of The Offense.**

7 This factor clearly must be taken into account by the Court. Mrs. Lopez understands
8 that she will be punished for her criminal behavior. Mrs. Lopez also recognizes that narcotics
9 trafficking is not only illegal but it impacts our communities. Mrs. Lopez has prepared a
10 letter for this Court's consideration which is being filed separately.
11
12

13
14 **The Need For The Sentence Imposed To Promote Respect For The Law.**

15 Mrs. Lopez also understands that she must have respect for the law. By allowing
16 herself to get involved in this offense she now must be punished. Mrs. Lopez is aware that the
17 Court will impose a custodial sentence as a result of this conviction.
18
19

20 **The Need For The Sentence Imposed To Provide Just Punishment.**

21 Mrs. Lopez also understands that the Court must impose a sentence which provides
22 just punishment for the offense in question. Mrs. Lopez will be the first defendant sentenced
23 by the Court. Mrs. Lopez was the first defendant to resolve her case as well.
24
25

26 /

27 /

28 /

1 **The Need For The Sentence Imposed To Afford Adequate Deterrence To Criminal**
2 **Conduct.**

3 Mrs. Lopez also understands that both general and specific deterrence are important
4 factors which the Court must consider in fashioning a sentence. Mrs. Lopez does not need to
5 be incarcerated for an extended period of time. She clearly understands that she cannot be
6 engaged in criminal conduct. Mrs. Lopez is looking forward to re-integrate into society in
7 order to continue to raise her children.
8
9

10
11 **The Need For The Sentence Imposed To Protect The Public From Further Crimes Of**
12 **The Defendant.**

13
14 In this case, the Court does not have to be concerned with Mrs. Lopez victimizing
15 society with further criminal behavior. Mrs. Lopez has gotten the message. She has been
16 separated from her loved ones. She clearly understands that she must be a productive
17 member of society. Mrs. Lopez is looking forward to being reunited with her family.
18
19

20 **The Advisory Sentencing Range.**

21 In the case of Mrs. Lopez, the adjusted offense levels are as follows:

22	Base level:	30
23	Safety Valve Reduction:	-2
24	Acceptance of responsibility:	-3

25
26
27
28

1 In this case, Mrs. Lopez has been labeled with a Criminal History category of I. The
2 recommended sentencing range is 57-71 months
3
4

5 **Requested Sentence:**

6 Jessica Lopez respectfully requests that this Court impose a prison sentence of twelve
7 months and one day with three years of supervised release. Such a prison term will serve all
8 of the enumerated factors set forth in 18 U.S.C. 3553(a)(2). Mrs. Lopez would like the
9 opportunity to be re-united with her family. She would like the opportunity to demonstrate to
10 this Court and to her family that she will not re-offend and will be a productive citizen.
11
12
13

14 Respectfully submitted,

15
16 June 9, 2015

17 DATE

/s/ Angel Navarro

18 ANGEL NAVARRO
19 Attorney for Defendant
20 Jessica Lopez
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I, **Angel Navarro**, declare that I am a resident or employed in Los Angeles County, California; that my business address is: The Petroleum Building, 714 W. Olympic Blvd., Suite 450, Los Angeles, CA 90015, that I am over the age of eighteen years; that I am not a party to the action entitled above; that I am employed by the Law Office of Angel Navarro, who is a member of the Bar of the State of California, and at whose direction I served a copy of the attached document entitled: Defendant's Position Re: Sentencing by:

☐ Placing
same in a sealed
envelope for
collection and
interoffice delivery
addressed as
follows:

☐ Placing
same in an envelope
for hand delivery
addressed as
follows:

☒ Placing
same in a sealed
envelope for
collection and
mailing via the
United States Post
Office addressed as
follows:

☐ Sending
same via e-mail to
officer's known e-
mail address.

**Roberto Ramirez Leoning
United States Probation Officer
U.S. Courthouse
312 N. Spring Street, 6th Floor
Los Angeles, CA 90012**

This proof of service is executed at Los Angeles, California, on **June 9, 2016**.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

/s/ Angel Navarro
Angel Navarro